

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

**ANTHONY DeFRANCO,**  
Plaintiff,

V.

**WILLIAM WOLFE, et al.,**  
Defendants.

:  
: No. 04-230-E '06 NOV 20 AM 1:29  
: Magistrate Judge Baxter  
: District Judge Cohill CLERK  
: U.S. DISTRICT COURT

---

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME**

AND NOW, comes plaintiff, requesting an extension of time in support of his Cross Motion for Summary Judgment, state as follows:

1. Plaintiff has filed a Cross Motion for Summary Judgment (Doc. 229) and Counterstatement of Undisputed Material Facts (Doc. 230).
2. In response to plaintiff's Summary Judgment Motion, the defendants' filed for and was granted an extension of time to file a "Response Brief" (Doc. 236).
3. The defendants' requested this extension to give them time to acquire additional declarations, particularly by medical personnel. This Court granted that request.
4. Plaintiff is asking this Court to grant him an additional 15 days to file a brief response. In accordance with Local Rule 56.1.D, plaintiff's response would be due on or before December 1, 2006. However, because plaintiff and his family are in the process of gathering professional medical declarations regarding his medical condition, plaintiff is requesting an additional 15 days so he may gather these needed and *material* declarations.

5. This Court has granted every request made by the defendants' for extension of times in this case. By contrast, this is plaintiff's first such request and is very much needed due to the facts and circumstances of this case.

6. The defendants' will not be prejudiced in any way by granting plaintiff this brief extension of time to file a response.

7. If the Court does not issue an Order regarding the release of plaintiff's medical files in time for him to receive medical opinion by his professionals regarding those file records, he obviously will require more time to file his Response.

WHEREFORE, plaintiff prays this Honorable Court grant him a 15 day extension of time to file a response to defendants' Reply Brief, until December 15, 2006.

Date: 11/15/06

Respectfully submitted,



Anthony DeFranco CZ-3518  
10745 Route 18  
Albion, Pa. 16475-0002

**Certificate of Service**

Service was made by U.S. First  
Mail to Attorney General at  
564 Forbes Ave., Pgh. Pa. 15219, this date